

AMENDED IN SENATE FEBRUARY 25, 1998

SENATE BILL

No. 1418

Introduced by Senator Rosenthal

January 20, 1998

~~An act to amend Sections 6402, 6407, 6408, 6409, 6410, 6411, 6412, 6413, and 6415 of, to amend the heading of Chapter 5.5 (commencing with Section 6400) of Division 3 of, to add Sections 6401.6, 6412.1, 6415.1, and 6415.2 to, and to repeal and~~
An act to amend Section 6405 of, to amend the heading of Chapter 5.5 (commencing with Section 6400) of Division 3 of, to amend, repeal, and add Sections 6401, 6402, 6403, 6407, 6408, 6409, 6410, 6411, 6412, 6413, and 6415 of, to add and repeal Sections 6401.6 and 6412.1 of, and to repeal and add Section 6400 of, the Business and Professions Code, relating to legal document assistants.

LEGISLATIVE COUNSEL'S DIGEST

SB 1418, as amended, Rosenthal. Legal document assistants.

Existing law generally regulates unlawful detainer assistants, as defined, and, among other things, requires an unlawful detainer assistant to register with the county clerk of the county in which he or she performs acts for which registration is required.

This bill would revise and recast these provisions to ~~instead,~~ *in addition,* apply to legal document assistants, as defined. This bill would ~~require~~ *prohibit* a legal document assistant ~~to decline to provide~~ *from providing* service to a client who requires assistance that exceeds "self-help service" as defined.

~~This bill would provide that any person registered as an unlawful detainer assistant prior to January 1, 1999, would be considered a legal document assistant without the need to reregister or be issued a new identification card for the valid period of registration. This bill would repeal these provisions changes on January 1, 2002, unless a later enacted statute, enacted before that date, deletes or extends that date and restore current law at that time.~~

Existing law provides that the failure of a person who engages in acts of an unlawful detainer assistant to comply with certain provisions of existing law is a misdemeanor.

Since this bill would make the current penal provisions applicable to persons registered as legal document assistants, this bill would impose a state-mandated local program by increasing the scope of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 5.5
2 (commencing with Section 6400) of Division 3 of the
3 Business and Professions Code is amended to read:

4

5 CHAPTER 5.5. LEGAL DOCUMENT ASSISTANTS AND
6 UNLAWFUL DETAINER ASSISTANTS

7

8 SEC. 2. Section 6400 of the Business and Professions
9 Code is repealed.

10 SEC. 3. Section 6400 is added to the Business and
11 Professions Code, to read:

12 6400. (a) “Unlawful detainer assistant” means any
13 individual who for compensation renders assistance or
14 advice in the prosecution or defense of an unlawful



1 *detainer claim or action, including any bankruptcy*
2 *petition that may affect the unlawful detainer claim or*
3 *action.*

4 (b) “Unlawful detainer claim” means a proceeding,
5 filing, or action affecting rights or liabilities of any person
6 that arises under Chapter 4 (commencing with Section
7 1159) of Title 3 of Part 3 of the Code of Civil Procedure
8 and that contemplates an adjudication by a court.

9 (c) “Legal document assistant” means:

10 ~~(a)~~

11 (1) Any person who is not an active member of the
12 State Bar and who provides, *or assists in providing*, or
13 offers to provide, *assists in providing*, for compensation,
14 self-help service to the public.

15 ~~(b)~~

16 (2) A corporation, partnership, association, or other
17 entity that employs any person not exempted under
18 Section 6401 who, as part of his or her responsibilities,
19 provides self-help service or who holds himself or herself
20 out as someone who offers that service or has that
21 authority.

22 ~~(c)~~

23 (d) “Self-help service” means all of the following:

24 ~~(A)~~

25 (1) Providing general published factual information,
26 *written or approved by an attorney*, pertaining to legal
27 procedures, rights, or obligations to a ~~consumer~~ person
28 who is representing himself or herself in a legal matter,
29 to assist the ~~consumer~~ person in representing himself or
30 herself.

31 ~~(B)~~

32 (2) Making published legal documents available to a
33 ~~consumer~~ person who is representing himself or herself
34 in a legal matter.

35 ~~(C) Completing legal documents selected by the~~
36 ~~consumer at the direction of the consumer.~~

37 (3) *Completing legal documents, in a ministerial*
38 *manner, selected by the person and at the direction of the*
39 *person.*

40 ~~(2)~~

1 (e) “Compensation” means money, property, or
2 anything else of value.

3 (f) *This section shall remain in effect only until*
4 *January 1, 2002, and as of that date is repealed, unless a*
5 *later enacted statute, that is enacted before January 1,*
6 *2002, deletes or extends that date.*

7 SEC. 4. Section 6400 is added to the Business and
8 Professions Code, to read:

9 6400. (a) “Unlawful detainer assistant” means any
10 individual who for compensation renders assistance or
11 advice in the prosecution or defense of an unlawful
12 detainer claim or action, including any bankruptcy
13 petition that may affect the unlawful detainer claim or
14 action.

15 (b) “Unlawful detainer claim” means a proceeding,
16 filing, or action affecting rights or liabilities of any person
17 that arises under Chapter 4 (commencing with Section
18 1159) of Title 3 of Part 3 of the Code of Civil Procedure
19 and that contemplates an adjudication by a court.

20 (c) “Compensation” means money, property, or
21 anything else of value.

22 (d) *This section shall become operative January 1,*
23 *2002.*

24 SEC. 5. Section 6401 of the Business and Professions
25 Code is amended to read:

26 6401. This chapter does not apply to any of the
27 following:

28 (a) Any government employee who is acting in the
29 course of his or her employment.

30 (b) A member of the State Bar of California, or his or
31 her employee or agent, or an independent contractor
32 while acting on behalf of a member of the State Bar.

33 (c) Any employee of a nonprofit, tax-exempt
34 corporation who assists clients free of charge.

35 (d) A licensed real estate broker or licensed real estate
36 salesperson, as defined in Chapter 3 (commencing with
37 Section 10130) of Part 1 of Division 4, who acts pursuant
38 to subdivision (b) of Section 10131 on an unlawful
39 detainer claim as defined in subdivision (b) of Section
40 6400, and who is a party to the unlawful detainer action.



1 (e) An immigration consultant, as defined in Chapter
2 19.5 (commencing with Section 22441) of Division 8.

3 (f) This section shall remain in effect only until
4 January 1, 2002, and as of that date is repealed, unless a
5 later enacted statute, that is enacted before January 1,
6 2002, deletes or extends that date.

7 SEC. 6. Section 6401 is added to the Business and
8 Professions Code, to read:

9 6401. This chapter does not apply to any of the
10 following:

11 (a) Any government employee who is acting in the
12 course of his or her employment.

13 (b) A member of the State Bar of California, or his or
14 her employee or agent, or an independent contractor
15 while acting on behalf of a member of the State Bar.

16 (c) Any employee of a nonprofit, tax-exempt
17 corporation who assists clients free of charge.

18 (d) A licensed real estate broker or licensed real estate
19 salesperson, as defined in Chapter 3 (commencing with
20 Section 10130) of Part 1 of Division 4, who acts pursuant
21 to subdivision (b) of Section 10131 on an unlawful
22 detainer claim as defined in subdivision (b) of Section
23 6400, and who is a party to the unlawful detainer action.

24 (e) This section shall become operative January 1,
25 2002.

26 ~~SEC. 4.~~

27 SEC. 7. Section 6401.6 is added to the Business and
28 Professions Code, to read:

29 6401.6. A legal document assistant shall ~~decline to~~ not
30 provide service to a client who requires assistance that
31 exceeds the definition of self-help service in subdivision
32 (b) of Section 6400, and shall inform the client that the
33 client requires the services of an attorney.

34 This section shall remain in effect only until January 1,
35 2002, and as of that date is repealed, unless a later enacted
36 statute that is enacted before January 1, 2002, deletes or
37 extends that date.

38 ~~SEC. 5.~~

39 SEC. 8. Section 6402 of the Business and Professions
40 Code is amended to read:

1 6402. A legal document assistant *or unlawful detainer*
2 *assistant* shall be registered pursuant to this chapter by
3 the county clerk of the county in which he or she resides
4 and of each county in which he or she performs acts for
5 which registration is required. No person who has been
6 disbarred or suspended from the practice of law pursuant
7 to Article 6 (commencing with Section 6100) of Chapter
8 4 shall, during the period of any disbarment or suspension,
9 register as a legal document assistant *or unlawful detainer*
10 *assistant*.

11 *This section shall remain in effect only until January 1,*
12 *2002, and as of that date is repealed, unless a later enacted*
13 *statute, that is enacted before January 1, 2002, deletes or*
14 *extends that date.*

15 SEC. 9. Section 6402 is added to the Business and
16 Professions Code, to read:

17 6402. An *unlawful detainer assistant* shall be
18 registered pursuant to this chapter by the county clerk of
19 the county in which he or she resides and of each county
20 in which he or she performs acts for which registration is
21 required. No person who has been disbarred or
22 suspended from the practice of law pursuant to Article 6
23 (commencing with Section 6100) of Chapter 4 shall,
24 during the period of any disbarment or suspension,
25 register as an *unlawful detainer assistant*.

26 *This section shall become operative January 1, 2002.*

27 SEC. 10. Section 6403 of the Business and Professions
28 Code is amended to read:

29 6403. (a) The application for registration of a natural
30 person shall contain all of the following statements about
31 the applicant:

32 (1) Name, age, address, and telephone number.

33 (2) Whether he or she has been convicted of a felony,
34 or of a misdemeanor under Section 6126 or 6127.

35 (3) Whether he or she has been held liable in a civil
36 action by final judgment or consented to the entry of a
37 stipulated judgment, if the action alleged fraud, or the use
38 of untrue or misleading representations, or the use of an
39 unfair, unlawful, or deceptive business practice.

1 (b) *The application for registration of a natural person*
2 *shall be accompanied by the display of personal*
3 *identification, such as a California driver's license, birth*
4 *certificate, or other identification acceptable to the*
5 *county clerk to adequately determine the identity of the*
6 *applicant.*

7 (c) *The application for registration of a partnership or*
8 *corporation shall contain all of the following statements*
9 *about the applicant:*

10 (1) *The names, ages, addresses, and telephone*
11 *numbers of the general partners or officers.*

12 (2) *Whether the general partners or officers have ever*
13 *been convicted of a felony.*

14 (3) *Whether the general partners or officers have ever*
15 *been held liable in a civil action by final judgment or have*
16 *consented to the entry of a stipulated judgment. If the*
17 *action alleged fraud, whether it involved the use of*
18 *untrue or misleading representations, or the use of an*
19 *unfair, unlawful, or deceptive business practice.*

20 (d) *This section shall remain in effect only until*
21 *January 1, 2002, and as of that date is repealed, unless a*
22 *later enacted statute, that is enacted before January 1,*
23 *2002, deletes or extends that date.*

24 *SEC. 11. Section 6403 is added to the Business and*
25 *Professions Code, to read:*

26 6403. (a) *The application for registration of a natural*
27 *person shall contain all of the following statements about*
28 *the applicant:*

29 (1) *Name, age, address, and telephone number.*

30 (2) *Whether he or she has been convicted of a felony,*
31 *or of a misdemeanor under Section 6126 or 6127.*

32 (3) *Whether he or she has been held liable in a civil*
33 *action by final judgment or consented to the entry of a*
34 *stipulated judgment, if the action alleged fraud, or the use*
35 *of untrue or misleading representations, or the use of an*
36 *unfair, unlawful, or deceptive business practice.*

37 (b) *The application for registration of a partnership or*
38 *corporation shall contain all of the following statements*
39 *about the applicant:*

1 (1) *The names, ages, addresses, and telephone*
2 *numbers of the general partners or officers.*

3 (2) *Whether the general partners or officers have ever*
4 *been convicted of a felony.*

5 (3) *Whether the general partners or officers have ever*
6 *been held liable in a civil action by final judgment or have*
7 *consented to the entry of a stipulated judgment. If the*
8 *action alleged fraud, whether it involved the use of*
9 *untrue or misleading representations, or the use of an*
10 *unfair, unlawful, or deceptive business practice.*

11 (c) *This section shall become operative January 1,*
12 *2002.*

13 SEC. 12. *Section 6405 of the Business and Professions*
14 *Code is amended to read:*

15 6405. (a) ~~A~~ *An application for a certificate of*
16 *registration shall be accompanied by a bond of*
17 *twenty-five thousand dollars (\$25,000) which—*~~is~~
18 *by a corporate surety qualified to do business in this state*
19 *and conditioned upon compliance with this chapter. The*
20 *total aggregate liability on the bond shall be limited to*
21 *twenty-five thousand dollars (\$25,000). The bond may be*
22 *terminated pursuant to Section 995.440 of, and Article 13*
23 *(commencing with Section 996.310) of Chapter 2 of Title*
24 *14 of Part 2 of, the Code of Civil Procedure.*

25 (b) *The county clerk shall, upon filing of the bond,*
26 *deliver the bond forthwith to the county recorder for*
27 *recording. The recording fee specified in Section 27361 of*
28 *the Government Code shall be paid by the registrant. The*
29 *fee may be paid to the county clerk, who shall transmit it*
30 *to the recorder.*

31 (c) *The fee for filing, canceling, revoking, or*
32 *withdrawing the bond is seven dollars (\$7).*

33 (d) *The county recorder shall record the bond and any*
34 *notice of cancellation, revocation, or withdrawal of the*
35 *bond, and shall thereafter mail the instrument, unless*
36 *specified to the contrary, to the person named in the*
37 *instrument and, if no person is named, to the party*
38 *leaving it for recording. The recording fee specified in*
39 *Section 27361 of the Government Code for notice of*
40 *cancellation, revocation, or withdrawal of the bond shall*

1 be paid to the county clerk, who shall transmit it to the
2 county recorder.

3 (e) In lieu of the bond required by subdivision (a), a
4 registrant may deposit twenty-five thousand dollars
5 (\$25,000) in cash with the county clerk.

6 (f) If the certificate is revoked, the bond or cash
7 deposit shall be returned to the bonding party or
8 depositor subject to subdivision (g) and the right of a
9 person to recover against the bond or cash deposit under
10 Section 6412.

11 (g) The county clerk may retain a cash deposit until
12 the expiration of three years from the date the registrant
13 has ceased to do business, or three years from the
14 expiration or revocation date of the registration, in order
15 to ensure there are no outstanding claims against the
16 deposit. A judge of a municipal or superior court may
17 order the return of the deposit prior to the expiration of
18 three years upon evidence satisfactory to the judge that
19 there are no outstanding claims against the deposit.

20 ~~SEC. 6.~~

21 *SEC. 13.* Section 6407 of the Business and Professions
22 Code is amended to read:

23 6407. (a) The county clerk shall maintain a register
24 of legal document assistants, *and a register of unlawful*
25 *detainer assistants*, assign a unique number to each legal
26 document assistant, *or unlawful detainer assistant*, and
27 issue an identification card to each one. Additional cards
28 for employees of legal document assistants *or unlawful*
29 *detainer assistant* shall be issued upon the payment of ten
30 dollars (\$10) for each card. Upon renewal of registration,
31 the same number shall be assigned, provided there is no
32 lapse in the period of registration.

33 (b) The identification card shall be a card 3¹/₂ inches
34 by 2¹/₄ inches, and shall contain at the top, the title “Legal
35 Document Assistant” *or “Unlawful Detainer Assistant,”*
36 *as appropriate*, followed by the registrant’s name,
37 address, registration number, date of expiration, and
38 county of registration. It shall also contain a photograph
39 of the registrant in the lower left corner.

1 (c) *This section shall remain in effect only until*
2 *January 1, 2002, and as of that date is repealed, unless a*
3 *later enacted statute, that is enacted before January 1,*
4 *2002, deletes or extends that date.*

5 SEC. 14. *Section 6407 is added to the Business and*
6 *Professions Code, to read:*

7 6407. (a) *The county clerk shall maintain a register*
8 *of unlawful detainer assistants, assign a unique number to*
9 *each unlawful detainer assistant, and issue an*
10 *identification card to each one. Additional cards for*
11 *employees of unlawful detainer assistants shall be issued*
12 *upon the payment of ten dollars (\$10) for each card.*
13 *Upon renewal of registration, the same number shall be*
14 *assigned, provided there is no lapse in the period of*
15 *registration.*

16 (b) *The identification card shall be a card 3½ inches*
17 *by 2¼ inches, and shall contain at the top, the title*
18 *‘Unlawful Detainer Assistant’ followed by the registrant’s*
19 *name, address, registration number, date of expiration,*
20 *and county of registration. It shall also contain a*
21 *photograph of the registrant in the lower left corner.*

22 (c) *This section shall become operative January 1,*
23 *2002.*

24 ~~SEC. 7.~~

25 SEC. 15. *Section 6408 of the Business and Professions*
26 *Code is amended to read:*

27 6408. *The registrant’s registration number and*
28 *county of registration shall appear on any solicitation or*
29 *advertisement, and on the registrant’s work product,*
30 *including, but not limited to, letterhead, business cards,*
31 *correspondence, documents, forms, claims, petitions,*
32 *checks, receipts, money orders, pleadings, and other*
33 *papers relating to claims or actions.*

34 *This section shall remain in effect only until January 1,*
35 *2002, and as of that date is repealed, unless a later enacted*
36 *statute, that is enacted before January 1, 2002, deletes or*
37 *extends that date.*

38 SEC. 16. *Section 6408 is added to the Business and*
39 *Professions Code, to read:*



1 6408. *The registrant's registration number and*
2 *county of registration shall appear on any solicitation or*
3 *advertisement, and on the registrant's work product,*
4 *including, but not limited to, letterhead, correspondence,*
5 *documents, forms, claims, petitions, checks, receipts,*
6 *money orders, pleadings, and other papers relating to*
7 *unlawful detainer claims or actions.*

8 *This section shall become operative January 1, 2002.*

9 ~~SEC. 8.~~

10 SEC. 17. Section 6409 of the Business and Professions
11 Code is amended to read:

12 6409. No legal document assistant *or unlawful*
13 *detainer assistant* shall retain in his or her possession
14 original documents of a client.

15 *This section shall remain in effect only until January 1,*
16 *2002, and as of that date is repealed, unless a later enacted*
17 *statute, that is enacted before January 1, 2002, deletes or*
18 *extends that date.*

19 SEC. 18. Section 6409 is added to the Business and
20 Professions Code, to read:

21 6409. No unlawful detainer assistant shall retain in his
22 or her possession original documents of a client.

23 *This section shall become operative January 1, 2002.*

24 ~~SEC. 9.~~

25 SEC. 19. Section 6410 of the Business and Professions
26 Code is amended to read:

27 6410. (a) Every legal document assistant *or unlawful*
28 *detainer assistant* who enters into a contract or
29 agreement with a client to provide services shall, prior to
30 providing any services, provide the client with a written
31 contract, the contents of which shall be prescribed by
32 regulations adopted by the Department of Consumer
33 Affairs.

34 (b) The written contract shall include provisions
35 relating to the following:

36 (1) The services to be performed.

37 (2) The costs of the services to be performed.

38 (3) There shall be printed on the face of the contract
39 in 10-point boldface type a statement that the legal
40 document assistant *or unlawful detainer assistant* is not an

1 attorney and may not perform the legal services that an
2 attorney performs.

3 (c) The provisions of the written contract shall be
4 stated both in English and, if the client is
5 non-English-speaking, in the language of the client.

6 (d) Failure of a legal document assistant *or unlawful*
7 *detainer assistant* to comply with subdivisions (a), (b),
8 and (c) shall make the contract or agreement for services
9 voidable at the option of the client. Upon the voiding of
10 the contract, the legal document assistant *or unlawful*
11 *detainer assistant* shall immediately return in full any fees
12 paid by the client.

13 (e) The client shall have the right to rescind the
14 contract within 24 hours of the signing of the contract.
15 Upon the voiding or rescinding of the contract or
16 agreement for services, the legal document assistant *or*
17 *unlawful detainer assistant* shall immediately return to
18 the client any fees paid by the client, except fees for
19 services that were actually, necessarily, and reasonably
20 performed on the client's behalf by the legal document
21 assistant *or unlawful detainer assistant*. The requirements
22 of this subdivision shall be conspicuously set forth in the
23 written contract in both English and, if the client is
24 non-English-speaking, in the language of the client.

25 (f) *This section shall remain in effect only until*
26 *January 1, 2002, and as of that date is repealed, unless a*
27 *later enacted statute, that is enacted before January 1,*
28 *2002, deletes or extends that date.*

29 SEC. 20. Section 6410 is added to the Business and
30 Professions Code, to read:

31 6410. (a) Every *unlawful detainer assistant* who
32 enters into a contract or agreement with a client to
33 provide services shall, prior to providing any services,
34 provide the client with a written contract, the contents
35 of which shall be prescribed by regulations adopted by
36 the Department of Consumer Affairs.

37 (b) The written contract shall include provisions
38 relating to the following:

39 (1) *The services to be performed.*

40 (2) *The costs of the services to be performed.*

1 (3) *There shall be printed on the face of the contract*
2 *in 10-point boldface type a statement that the unlawful*
3 *detainer assistant is not an attorney and may not perform*
4 *the legal services that an attorney performs.*

5 (c) *The provisions of the written contract shall be*
6 *stated both in English and, if the client is*
7 *non-English-speaking, in the language of the client.*

8 (d) *Failure of an unlawful detainer assistant to comply*
9 *with the provisions of subdivisions (a), (b), and (c) shall*
10 *make the contract or agreement for services voidable at*
11 *the option of the client. Upon the voiding of the contract,*
12 *the unlawful detainer assistant shall immediately return*
13 *in full any fees paid by the client.*

14 (e) *The client shall have the right to rescind the*
15 *contract within 24 hours of the signing of the contract.*
16 *Upon the voiding or rescinding of the contract or*
17 *agreement for services, the unlawful detainer assistant*
18 *shall immediately return to the client any fees paid by the*
19 *client, except fees for services that were actually,*
20 *necessarily, and reasonably performed on the client's*
21 *behalf by the unlawful detainer assistant. The*
22 *requirements of this subdivision shall be conspicuously*
23 *set forth in the written contract in both English and, if the*
24 *client is non-English-speaking, in the language of the*
25 *client.*

26 (f) *This section shall become operative January 1, 2002.*

27 ~~SEC. 10.~~

28 *SEC. 21.* Section 6411 of the Business and Professions
29 Code is amended to read:

30 6411. It is unlawful for any person engaged in the
31 business or acting in the capacity of a legal document
32 assistant *or unlawful detainer assistant* to do any of the
33 following:

34 (a) Make false or misleading statements to a client
35 while providing services to that client.

36 (b) Make any guarantee or promise to a client, unless
37 the guarantee or promise is in writing and the legal
38 document assistant *or unlawful detainer assistant* has
39 some basis for making the guarantee or promise.

1 (c) Make any statement that the legal document
2 assistant *or unlawful detainer assistant* can or will obtain
3 special favors or has special influence with a court, or a
4 state or federal agency.

5 (d) Provide assistance or advice which constitutes the
6 unlawful practice of law pursuant to Section 6125, 6126,
7 or 6127.

8 (e) *This section shall remain in effect only until*
9 *January 1, 2002, and as of that date is repealed, unless a*
10 *later enacted statute, that is enacted before January 1,*
11 *2002, deletes or extends that date.*

12 SEC. 22. Section 6411 is added to the Business and
13 Professions Code, to read:

14 6411. It is unlawful for any person engaged in the
15 business or acting in the capacity of an unlawful detainer
16 assistant to do any of the following:

17 (a) Make false or misleading statements to a client
18 while providing services to that client.

19 (b) Make any guarantee or promise to a client, unless
20 the guarantee or promise is in writing and the unlawful
21 detainer assistant has some basis for making the
22 guarantee or promise.

23 (c) Make any statement that the unlawful detainer
24 assistant can or will obtain special favors or has special
25 influence with a court, or a state or federal agency.

26 (d) Provide assistance or advice which constitutes the
27 unlawful practice of law pursuant to Section 6125, 6126,
28 or 6127.

29 (e) *This section shall become operative January 1,*
30 *2002.*

31 ~~SEC. 11.~~

32 SEC. 23. Section 6412 of the Business and Professions
33 Code is amended to read:

34 6412. (a) Any owner or manager of residential or
35 commercial rental property, tenant, or other person who
36 is awarded damages in any action or proceeding for
37 injuries caused by the acts of a registrant while in the
38 performance of his or her duties as a legal document
39 assistant *or unlawful detainer assistant* may recover

1 damages from the bond or cash deposit required by
2 Section 6405.

3 (b) Whenever there has been a recovery against a
4 bond or cash deposit under subdivision (a) and the
5 registration has not been revoked pursuant to Section
6 6413, the registrant shall file a new bond or deposit an
7 additional amount of cash within 30 days to reinstate the
8 bond or cash deposit to the amount required by Section
9 6405. If the registrant does not file a bond, or deposit this
10 amount within 30 days, his or her certificate of
11 registration shall be revoked.

12 (c) *This section shall remain in effect only until*
13 *January 1, 2002, and as of that date is repealed, unless a*
14 *later enacted statute, that is enacted before January 1,*
15 *2002, deletes or extends that date.*

16 *SEC. 24. Section 6412 is added to the Business and*
17 *Professions Code, to read:*

18 *6412. (a) Any owner or manager of residential or*
19 *commercial rental property, tenant, or other person who*
20 *is awarded damages in any action or proceeding for*
21 *injuries caused by the acts of a registrant while in the*
22 *performance of his or her duties as an unlawful detainer*
23 *assistant may recover damages from the bond or cash*
24 *deposit required by Section 6405.*

25 *(b) Whenever there has been a recovery against a*
26 *bond or cash deposit under subdivision (a) and the*
27 *registration has not been revoked pursuant to Section*
28 *6413, the registrant shall file a new bond or deposit an*
29 *additional amount of cash within 30 days to reinstate the*
30 *bond or cash deposit to the amount required by Section*
31 *6405. If the registrant does not file a bond, or deposit this*
32 *amount within 30 days, his or her certificate of*
33 *registration shall be revoked.*

34 *(c) This section shall become operative January 1,*
35 *2002.*

36 ~~SEC. 12.~~

37 *SEC. 25. Section 6412.1 is added to the Business and*
38 *Professions Code, to read:*

39 *6412.1. (a) Any consumer person injured by the*
40 *unlawful act of a legal document assistant or unlawful*

1 *detainer assistant* shall retain all rights and remedies
2 cognizable under law. Nothing in this chapter shall be
3 construed to limit an injured ~~consumer's~~ *person's* right to
4 bring a civil action for damages and any other relief as
5 may be appropriate in a court of general jurisdiction.

6 (b) Any ~~consumer~~ *person* injured by a violation of this
7 chapter by a legal document assistant *or unlawful*
8 *detainer assistant* may file a complaint and seek redress
9 in any municipal or superior court for injunctive relief,
10 restitution, and damages. Attorney's fees shall be
11 awarded to the prevailing plaintiff.

12 (c) *This section shall remain in effect only until*
13 *January 1, 2002, and as of that date is repealed, unless a*
14 *later enacted statute, that is enacted before January 1,*
15 *2002, deletes or extends that date.*

16 ~~SEC. 13.~~

17 SEC. 26. Section 6413 of the Business and Professions
18 Code is amended to read:

19 6413. The county clerk shall revoke the registration of
20 a legal document assistant *or unlawful detainer assistant*
21 upon receipt of an official document or record stating that
22 the registrant has been found guilty of the unauthorized
23 practice of law pursuant to Section 6125, 6126, or 6127, has
24 been found guilty of a misdemeanor violation of this
25 chapter, or that a civil judgment has been entered against
26 the registrant in an action arising out of the registrant's
27 failure to properly perform his or her obligation as a legal
28 document assistant *or unlawful detainer assistant*. The
29 county clerk shall be given notice of the disposition in any
30 court action by the city attorney, district attorney, or
31 plaintiff, as applicable. A registrant whose registration is
32 revoked pursuant to this section may reapply for
33 registration after one year.

34 *This section shall remain in effect only until January 1,*
35 *2002, and as of that date is repealed, unless a later enacted*
36 *statute, that is enacted before January 1, 2002, deletes or*
37 *extends that date.*

38 SEC. 27. Section 6413 is added to the Business and
39 Professions Code, to read:

6413. *The county clerk shall revoke the registration of an unlawful detainer assistant upon receipt of an official document or record stating that the registrant has been found guilty of the unauthorized practice of law pursuant to Section 6125, 6126, or 6127, has been found guilty of a misdemeanor violation of this chapter, or that a civil judgment has been entered against the registrant in an action arising out of the registrant's failure to properly perform his or her obligation as an unlawful detainer assistant. The county clerk shall be given notice of the disposition in any court action by the city attorney, district attorney, or plaintiff, as applicable. A registrant whose registration is revoked pursuant to this section may reapply for registration after one year.*

This section shall become operative January 1, 2002.

SEC. 14.

SEC. 28. Section 6415 of the Business and Professions Code is amended to read:

6415. A failure, by a person who engages in acts of a legal document assistant *or unlawful detainer assistant*, to comply with any of the requirements of Section 6402, 6401.6, 6402, or 6408, or subdivision (a), (b), or (c) of Section 6411 is punishable as a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) or more than two thousand dollars (\$2,000), as to each client with respect to whom a violation occurs, or imprisonment for not more than one year, or by both *that* fine and imprisonment. Payment of restitution to a client shall take precedence over payment of a fine.

~~SEC. 15. Section 6415.1 is added to the Business and Professions Code, to read:~~

~~6415.1. Any person registered with a county clerk as an unlawful detainer assistant prior to January 1, 1999, shall be considered a legal document assistant as defined by this chapter without the need to reregister with the county clerk or be issued a new identification card for the valid period of registration. However, an unlawful detainer assistant who is registered pursuant to this chapter prior to January 1, 1999, may perform the additional duties authorized by this chapter on and after~~

1 ~~January 1, 1999, only if the bond required pursuant to~~
2 ~~Section 6405 reflects the nature of those expanded duties.~~

3 ~~SEC. 16. Section 6415.2 is added to the Business and~~
4 ~~Professions Code, to read:~~

5 ~~6415.2. This chapter shall remain in effect only until~~
6 ~~January 1, 2002, and as of that date is repealed, unless a~~
7 ~~later enacted statute, that is enacted before January 1,~~
8 ~~2002, deletes or extends that date.~~

9 *This section shall remain in effect only until January 1,*
10 *2002, and as of that date is repealed, unless a later enacted*
11 *statute, that is enacted before January 1, 2002, deletes or*
12 *extends that date.*

13 ~~SEC. 29. Section 6415 is added to the Business and~~
14 ~~Professions Code, to read:~~

15 *6415. A failure, by a person who engages in acts of an*
16 *unlawful detainer assistant, to comply with any of the*
17 *requirements of Section 6402 or 6408, or subdivision (a),*
18 *(b), or (c) of Section 6411 is punishable as a misdemeanor*
19 *punishable by a fine of not less than one thousand dollars*
20 *(\$1,000) or more than two thousand dollars (\$2,000), as to*
21 *each client with respect to whom a violation occurs, or*
22 *imprisonment for not more than one year, or by both that*
23 *fine and imprisonment. Payment of restitution to a client*
24 *shall take precedence over payment of a fine.*

25 *This section shall become operative January 1, 2002.*

26 ~~SEC. 17.~~

27 ~~SEC. 30. No reimbursement is required by this act~~
28 ~~pursuant to Section 6 of Article XIII B of the California~~
29 ~~Constitution because the only costs that may be incurred~~
30 ~~by a local agency or school district will be incurred~~
31 ~~because this act creates a new crime or infraction,~~
32 ~~eliminates a crime or infraction, or changes the penalty~~
33 ~~for a crime or infraction, within the meaning of Section~~
34 ~~17556 of the Government Code, or changes the definition~~
35 ~~of a crime within the meaning of Section 6 of Article~~
36 ~~XIII B of the California Constitution.~~

37 ~~Notwithstanding Section 17580 of the Government~~
38 ~~Code, unless otherwise specified, the provisions of this act~~

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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